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## REMARKS

Applicants acknowledge the Examiner's rejections and remarks, and respectfully request reconsideration of the present application and claims.

### Summary of the Office Action and status of the claims

Claims 1-17 stand rejected, of which Claims 1 and 11 are independent. Claims 18 and 19 are hereby added, without adding new matter to the disclosure. Accordingly, claims 1-19 are now pending for consideration.

Specifically, the Office Action rejected independent Claims 1 and 11, inter alia, under 35 U.S.C. §102(e) in view of Pitts (US Pat. No. 5,892,914). Dependent Claims 2-10 and 12-17 were rejected under 35 U.S.C. §102(e) and/or 35 U.S.C. §103(a) in view of Pitts and Edwards ("Network Client and Workstation Concerns," 1997) or Grate (US Pat. No. 5,956,483).

### 35 U.S.C. §102(e) rejections in view of Pitts

Paragraphs 3-4 and 8 of the Office Action state that Applicants' Claims 1 and 11 are unpatentable over Pitts, as Pitts teaches a method and system, including:

> *- Executing a process requiring a network protocol [...];*
> *- Intercepting communications from the process to a port assigned to*
> *support the network protocol; and*
> *- Redirecting the communications over an open port...*

The present application teaches and claims, inter alia, a method and system for client-server communication using port proxies. In one aspect, the present application includes intercepting communications from a process to a port assigned to support a network protocol (e.g. TCP/IP and SMB/NetBIOS) and redirects the communications over an open port (e.g. encapsulated in an HTTP packet redirected to an HTTP port).

Pitts discloses a system of distributed caches to improve network performance. Network Distributed Caches (NDCs) (26) handle client (42) requests for named data objects or files, being "owned" by a server (22). The NDCs translate a NFS network protocol request into a data transfer protocol (DTP) request. The NDCs do not intercept messages destined for a local drive,

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but rather execute a client intercept routine at the NDCs themselves, passing along the requested data objects.

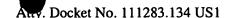## Applicants' Claim 1, et seq., distinguish over Pitts

Applicants disagree with the Examiner's characterization of the Pitts reference, and respectfully traverse the rejection of Claim 1 at paragraph 4 of the Office Action. Pitts lacks at least the interception and redirection steps recited in the claim. Specifically, Claim 1 recites:

> ...*intercepting communications from the process to a port assigned to support the network protocol; and*
> *redirecting the communications over an open port.*

Pitts does not teach or suggest the steps recited above. The passages cited in the Office Action (Col. 11-12) disclose a network termination process performed at the NDCs and are not in the nature of intercepting client communications from the process and redirecting them to an open port. In fact, no mention of redirection to an open port is made in Pitts.

Bullet 3 of paragraph 4 of the Office Action asserts that Pitts discloses the redirecting step. Applicants respectfully disagree with the Office Action's characterization of Pitts' disclosure as a redirection of the intercepted communication. In fact, the cited sections of Pitts (Figs. 1, 3; Col. 11, Lines 38-57) are unrelated to open ports, but rather describe how a request is passed from one NDC to another. Figures 1 and 3 of Pitts likewise lack this feature (i.e., do not illustrate redirecting to an open port), but rather illustrate the network and NDC architecture.

Since Pitts does not teach or suggest the claimed step of intercepting a communication to the port assigned to support the network protocol and redirecting the communication over an open port, the reference does not anticipate Applicants' Claim 1, which patentably distinguishes over Pitts. Claims 2-10 and 18 depend from independent Claim 1, and are patentable over Pitts for at least the same reasons as Claim 1. Accordingly, Applicants respectfully request that the §102(e) rejections of Claim 1, et seq., in view of Pitts be withdrawn and the claims be allowed.

## Applicants' Claim 11, et seq., distinguish over Pitts

Applicants disagree with the Examiner's characterization of the Pitts reference, as explained above with reference to Claim 1, and respectfully traverse the rejection of Claim 11 at paragraph 8 of the Office Action. The Office Action rejected Claim 11 "under the same rationale" as used to reject Claim 1. However, as explained, Pitts lacks at least the port proxy program that intercepts communications and redirects them to an open port, as recited in the claim. Specifically, Claim 11 recites:

> ...a port proxy program that intercepts communications from the program
> to a port assigned to support the SMB protocol and redirects the communications
> over an open port.

Since Pitts does not teach or suggest the interception of communications from the port assigned to support the SMB protocol and the redirection of the communications over an open port, it does not have a program to perform this function. Therefore, the reference does not anticipate Applicants' Claim 11, which patentably distinguishes over Pitts. Claims 12-17 and 19 depend from independent Claim 11, and are patentable over Pitts for at least the same reasons as Claim 11. Accordingly, Applicants respectfully request that the §102(e) rejections of Claim 11, et seq., in view of Pitts be withdrawn and the claims be allowed.

## CONCLUSION

Since independent Claims 1 and 11 patentably distinguish over Pitts, and since all other claims depend, directly or indirectly from Claims 1 and 11, the §102(e) rejections should be withdrawn.

As to the §103(a) rejections, Applicants disagree with the Examiner's characterization and combination of the references. However, since they were applied only to the dependent claims, these arguments need not be reached in the present Response. The dependent claims, including newly-presented claims 18 and 19, are held to be patentable for at least the same reasons as those given above with respect to independent Claims 1 and 11. Early and favorable consideration by the Examiner is hereby requested.

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If the Examiner believes there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned is respectfully solicited.

Please charge our Deposit Account No. 08-0219 the required fee of $465 for the Petition for Three-Month Extension of Time under 37 CFR 1.136(a). Also, kindly apply any other charges or credits in this application to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: 6/11/03

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